

# **WORKERS' COMPENSATION INDUSTRIAL COUNCIL**

**April 21, 2022**

Minutes of the meeting of the Workers' Compensation Industrial Council held virtually via Zoom and in person, on Thursday, April 21, 2022, at 1:00 p.m., Offices of the West Virginia Insurance Commissioner, 900 Pennsylvania Avenue, 9<sup>th</sup> Floor Conference Room, Charleston, West Virginia.

Industrial Council Members Present:

Anna Dailey – Chairperson – Via Zoom

Bengy Swanson – Vice Chairperson – Via Zoom

Kim Shin – Secretary – Via Zoom

Patrick Smith – Via Zoom

Jeffrey Mullins – In Person

Allan L. McVey, Insurance Commissioner/Nonvoting Member – In Person

## **1. Call to Order**

Chairperson Dailey called the meeting to order at 1:00 p.m.

## **2. Approval of Minutes**

Chairperson Dailey asked for a motion to approve the January 27, 2022 minutes.

Patrick Smith made the motion to approve the January 27, 2022 minutes. The motion was seconded by Jeffrey Mullins and passed unanimously.

## **3. Office of Judges' Report**

The Office of Judges' Report was circulated prior to the meeting. However, no one from the Office of Judges attended the meeting to present the report or answer questions.

## **4. Board of Review Report**

The Board of Review report was circulated prior to the meeting. Nick Casey, Chairperson of the Board of Review (BOR), gave an update on the reorganization process. Mr. Casey reported that the OIC, BOR and OIJ are having a transition meeting every two weeks, that the BOR procedural rules have been filed and approved, that the BOR should be fully staffed on July 1, 2022, and that a case

management vendor was selected through competitive bidding and that they hope to have that system in place in the coming months.

**5. General Public Comments**

There were no speakers and no comments.

**6. Old Business**

There was no old business to discuss.

**7. New Business**

Erin Hunter, OIC Deputy Commissioner/General Counsel, gave an update on the Workers' Compensation legislation that passed during the 2022 session. The only significant piece of legislation that passed regarding workers' compensation this year was House Bill 4296, which was an Insurance Commissioner sponsored piece of legislation. It passed unanimously.

The draft of the 2022 Workers' Compensation Safety Initiatives Report was circulated prior to the meeting and was on the agenda to be presented at today's meeting. However, not all board members had an opportunity to review it, so this will be placed on the June 30, 2022 meeting agenda for presentation and discussion.

**8. Next Meeting**

The next meeting is scheduled for Thursday, June 30, 2022, at 1:00 p.m.

**9. Executive Session**

Chairperson Dailey advised that the next item on the agenda is an Executive Session to discuss confidential matters related to self-insured employers. These matters involve discussion of confidential information that meets exceptions under the *West Virginia Public Meetings Act*. Therefore, it is appropriate that the discussions take place in Executive Session under the provisions of W. Va. Code §6-9A-4. If there is any action taken regarding these specific matters it will be done upon reconvening of the public session.

Patrick Smith made the motion to go into Executive Session. The motion was seconded by Kim Shin and passed unanimously.

The Industrial Council went into Executive Session to discuss self-insured matters.

Angela Shepherd, Director, Workers' Compensation Self-Insurance, presented the self-insured matters.

Chairperson Dailey called the Industrial Council meeting back to order for the regular public session and entertained a motion to approve the list of self-insured renewals that has been presented to the Council.

Patrick Smith moved to accept the motion to approve the list. The motion was seconded by Jeffrey Mullins and passed unanimously.

#### **10. Adjourn**

There being no further business, Chairperson Dailey asked for a motion to adjourn. Jeffrey Mullins moved to accept the motion to adjourn. The motion was seconded by Kim Shin.